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13. (Amended) The apparatus of Claim 12, further comprising means for presenting an advertisement selected according to the personalization profile.

Please add Claims 16 and 17 as follows:

16. (New) The apparatus of Claim 13, further comprising means for modification of the personalization profile by a user via an Internet link.

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17. (New) The apparatus of Claim 16, further comprising means for modification of the personalization profile by reverse lookup to obtain demographic information.

Remarks

In the Office Action, the Examiner noted that Claims 1-15, are pending in the application, and that Claims 1-15 are rejected. By this amendment, Claims 1, 2, 12 and 13 have been amended, Claims 14 and 15 have been canceled without prejudice, and Claims 16 and 17 have been added. Thus, Claims 1-13, 16 and 17 are pending in the application. The Examiner's rejections are traversed below.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendments. Applicants contend that no new matter is introduced by the present amendments.

Rejections Under 35 USC 103

Claims 1 and 12 stand rejected under 35 USC 103(a) as being obvious in view of the combination of Wise et al. (US 5,884,262) and Kappel (US 6,144,988). The rejection alleges that Wise teaches: “accessing a user profile including a corresponding telephone identifying information matching the telephone identifying information; updating the user profile to include a record of actions performed over the telephone interface; and present a suggestion comprising at least one of a topic, a sub-topic, and a content over the telephone interface.”

Applicants respectfully assert that embodiments of the present invention claim a user profile that comprises telephone identifying information and telephone driven profile building utilizing implicit user preferences. Hence, the user profile of the present invention provides a dynamic and adaptive user profile. Claim 1 as amended, sets out that the dynamic user profile is based upon implicit behaviors and actions of the user via the telephone interface.

Conversely, Wise only teaches a static user profile based upon telephone identifying information and explicit user preferences. The user profile according to Wise only contains a user’s personal identity (see Wise, Col. 8, Line 65 through Col. 9, line 26).

As the Examiner has acknowledges, Wise does not disclose an apparatus and a method of presenting at least one suggestion based on the user profile over the telephone interface.

✓ →

The rejection alleges that Kappel teaches: “a system and a method of processing captured user registration information and returning corresponding enhanced information to be used in advertising on the Internet.” Applicants respectfully assert that advertisements as taught and/or disclosed in Kappel are not equivalent to suggestions as claimed in the present invention. The claimed embodiments of the present invention teaches, discloses, and claims both suggestions and advertisements. Suggestions and advertisements are not necessarily the same. For example, as taught or disclosed in the present application a suggestion may include a prompt asking if the user wants to add topics such as finance, weather or the like to a list of topics based upon the user’s repeated action of requesting such topics. A suggestion may include a prompt asking if the user wants to add a topic such as stock quotes or the like to a list of sub-topics based upon the user’s repeated action of requesting the trading price of various stocks. A suggestion may include the addition of content containing the San Francisco and New York weather based upon the user’s repeated action of requesting weather reports for both New York and San Francisco. A suggestion may include a prompt asking the user if he or she wants information concerning mothers day gifts based upon the user’s past buying behavior. (Page 27, Lines 1-18). Suggestions concerning topics, sub-topics, content are not advertisements. Furthermore, a suggestion of a particular gift such as

chocolates, flowers, or a particular book, do not necessarily constitute an advertisement. So the cited reference fails to teach, disclose or suggest presenting a suggestion over the telephone interface.

Embodiments of the present invention provide for adaptive personalization as the user proceeds. The user profile, initially comprising telephone identifying information, is adaptively personalized based upon implicit selections comprising behavior and actions of the user (Fig. 3; page 24, lines 21-24; page 25, lines 11-14). The combination of Wise and Kappel fail to teach or disclose adaptive personalization of the user profile based upon implicitly made selections. For instance, Wise only teaches a static user profile based upon telephone identifying information, explicit user preferences, and location information. Embodiments of the present invention also provide for presenting suggestions based upon implicitly made selections. Such qualified suggestions are not equivalent to advertisements as taught by Kappel. Thus, for the above-stated reasons Claims 1 and 12 are patentably distinguishable over the combination of Wise and Kappel. Withdrawal of the rejection concerning independent Claims 1 and 12, and dependent Claims 2-5 and 13 is therefore respectfully requested.

➤ Furthermore, with regard to Claims 3 and 13, the presentation of advertising taught and/or disclosed by Kappel consists of inserting graphical images (see Kappel cols. 9-10). Such advertising is not susceptible to conversion to an audio presentation by the text-to-speech teaching and/or disclosure of Wise. Neither Kappel nor Wise teach or disclose a method of

presenting graphical images in an audio format appropriate for presentation over a telephone interface, as claimed in Claims 3 and 13.

Applicants also respectfully assert that to the extent that Kappel teaches or discloses qualifying the advertisements according to a user profile, such a profile consists of static personal information provided in a registration form and demographic information obtain by reverse look-up (col. 6, lines 60-63, col. 7, lines 51-58). The present invention however, claims qualifying advertisements based upon telephone identifying information, and implicitly and explicitly made selections by the user. So claim 3 is not obvious over the cited art because the advertisement is qualified based upon telephone identifying information and/or implicitly and explicitly made selections.

➤ Claims 6 and 7 stand rejected under 35 USC 103(a) as being obvious in view of the combination of Wise et al. (US 5,884,262) and Smyk (US 6,161,128). The Applicants respectfully assert that to the extent that Wise and Smyk are combinable, there is no suggest or motivation provided in the cited references to combine them to obtain the claimed combinations of Claim 6 and/or 7. The web interface as taught and/or disclosed in Smyk teaches away from presenting information over a telephone interface. Smyk asserts that a telephone interface cannot effectively present information to a user. Furthermore, the objective of the web interface of Smyk is to replace the telephone interface (col. 2, lines 29-35; col. 4, lines 22-23).

The Applicants also respectfully contend that Smyk does not disclose a system and a method of using a telephone identifying information to access and modify a user profile, as alleged in the rejection. Smyk teaches and discloses a system and method for changing advanced intelligent network (AIN) services. Hence, Smyk teaches a web based method of changing telephone service features, such as unconditional call forwarding, call forwarding on busy/no answer, incoming call screening service, and the like. (col. 9, line 35 through col. 10 line 2). Smyk does not teach a method of modifying a user profile as claimed in the present invention.

For the above-stated reasons the invention as claimed in Claims 6 and 7 are not obvious because neither Wise or Smyk suggest the desirability of combining the ability to update a user profile and thereafter present information over a telephone interface personalized according to the user profile. Withdrawal of the rejection concerning independent Claims 6 and 7 and dependent claims 8-11 is therefore respectfully requested.

Conclusion

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: September 19, 2002

A handwritten signature in black ink, appearing to read "Eric J. Gash", is written over a horizontal line.

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VERSION WITH MARKING TO SHOW CHANGES MADE

In the Specification

At page 14, lines 14-17:

A user profile is a collection of information about a particular user. The user profile typically includes collections of different information ~~as shown and described more fully in connection with Figure 6.~~ Notably, the user profile contains a combination of explicitly made selections and implicitly made selections.

In the Claims

1. (Amended) A method of using a telephone identifying information to present information over a telephone interface using a first computer, the method comprising:
 - using the telephone identifying information to access a user profile with the first computer, the user profile including a corresponding telephone identifying information matching the telephone identifying information;
 - using the first computer to update the user profile to include an implicitly made selection comprising a record of behaviors and actions performed over the telephone interface; and
 - presenting a suggestion over the telephone interface using the computer, the suggestion based on the ~~record of actions~~ user profile, the suggestion comprising at least one of a topic, a sub-topic, a content, and an item for sale.

2. (Amended) The method of Claim 1, further comprising:
receiving a response to the suggestion over the telephone interface; and
updating the user profile according to an explicitly made selection comprising the received response.
12. (Amended) An apparatus for presenting information over a telephone interface using a telephone identifying information, the apparatus comprising:
means for using the telephone identifying information to access a ~~user~~ personalization profile, the user personalization profile including a corresponding telephone identifying information matching the telephone identifying information;
means for updating the ~~user~~ personalization profile to include an implicitly made selection comprising a record of behaviors and actions performed over the telephone interface; and
means for presenting a suggestion over the telephone interface ~~using the computers~~, the suggestion based on the ~~record of actions~~ personalization profile, the suggestion comprising at least one of a topic, a sub-topic, a content, and an item for sale.
13. (Amended) The apparatus of Claim 12, further comprising means for presenting an advertisement selected according to the record of actions personalization profile.